Application No. 09/592,599
Amdt. Dated September 11, 2009
Reply to Office Action Dated June 11, 2009

Docket No. SAM1.PAU.64

REMARKS

Applicant hereby replies to the Office Action dated June 11, 2009. Applicant thanks the Examiner for carefully considering the application.

Status of Claims

Claims 1-6, 8-14, 18-24 and 28-32 are pending in the above-referenced patent application. Claims 1, 10, and 20 are independent.

Claims 1-6, 8-14, 18-24 and 28 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2006/0200253 ("Hoffberg").

Claim Amendments

Claims 1, 10 and 20 are amended for clarification purposes. New claims 29-32 are added. No new matter is added.

Rejection under 35 U.S.C. 102(e)

Rejection of claims 1-6, 8-14, 18-24 and 28 is respectfully traversed because, for at least the following reasons, Hoffberg does not disclose all of the claimed limitations.

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According to MPEP §2131,

'[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, *i.e.*, identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)).

Claim 1 requires, in part,

discovering a plurality of devices that are currently connected to the network; (b) *obtaining information for commanding and controlling at least one of the plurality of devices by at least one other device currently connected to physical layer of the network*, wherein the information includes at least a device name and service type, and wherein the physical layer provides a communication medium that can be used by the plurality of devices to communicate with each other; (c) *generating a graphical user interface based at least on the obtained information, the user interface including one or more references associated with each of the devices currently connected to the network*; and (d) displaying the generated user interface such that a user can use each reference of the displayed user interface to access each device (emphasis added).

Claim 10 requires, in part,

discovering the plurality of devices that are currently connected to the physical layer of the network; (b) *obtaining information for commanding and controlling at least one of the plurality of devices*

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by at least one other device currently connected to the physical layer of the network, wherein the information includes at least a device name and service type; (c) *generating a graphical user interface based at least on the obtained information, the user interface including one or more references associated with each of the devices currently connected to the network*; and (d) displaying the generated user interface such that a user can use each reference of the displayed user interface to access each device (emphasis added).

Claim 20 requires, in part,

discovering a plurality of devices that are currently connected to the network in an autonomous manner; (b) *obtaining information for commanding and controlling at least one of the plurality of devices by at least one other device currently connected to the physical layer of the network, wherein the information includes at least a device name and service type*; (c) *generating a graphical user interface based at least on the obtained information, the user interface including one or more references associated with-each of the devices currently connected to the network*; and (d) displaying the generated user interface such that a user can use each reference of the displayed user interface to access each device (emphasis added).

Hoffberg is directed to an Internet appliance system and method for communicating with the Internet and local area network with at least one data interface for controlling a data transfer between the local area network and the Internet or control a remote device. Distinguishable, Applicant's claimed invention deals with controlling a device, in a network, by another device, in the same network (e.g., a home network). This is clearly distinguishable from Hoffberg which deals with a local network and an external network (i.e., Internet).

Moreover, Hoffberg teaches a speech interface is provided for interpreting human speech as an input and/or producing synthesized speech as an output... as well as a semantic data processor, not "*discovering a plurality of devices that are currently connected to the network;* (b) *obtaining information for commanding and controlling at least one of the plurality of devices by at least one other device currently connected to physical layer of the network*" as required, in part, by amended claim 1, and similarly with respect to claims 10 and 20. Clearly, a speech interface device is distinguishable from a graphical user interface, as required, in part by amended claims 1, 10 and 20.

Further, it is asserted in the Office Action that Hoffberg discloses discovering a plurality of devices that are currently connected to the network in paragraph [0869]. Paragraph [0869] of Hoffberg, however, does not mention anything regarding discovering devices. Additionally, Applicant's amended claims 1, 10 and 20 require, in part, "*discovering a plurality of devices that are currently connected to the network*" (emphasis added). Hoffberg, however, does not discover devices connected to the same network.

The instant Office Action asserts that Hoffberg discloses obtaining information, wherein the information including at least a device name and service type. However, paragraph [0971] of Hoffberg simply states VCR Interface and is actually only used as a subheading to an example that is disclosed. Regardless, if one skilled in the art looks at the terms VCR Interface, the only

interpretation could be that a name or type of device is described. The words VCR Interface does

not teach or suggest a service type.

Hoffberg uses a pattern recognition subsystem to process the data, and thus has to

determine the description used for the interface. In Hoffberg, the user initially defines criteria

and actions for determining the existence of the selected criteria in the pattern recognition

subsystem to process data. Hoffberg does not teach *"generating a graphical user interface based*

at least on the obtained information, the user interface including one or more references

associated with each of the devices currently connected to the network" as claimed.

In view of the above, Hoffberg fails to disclose all of the claimed limitations of

independent claims 1, 10 and 20 of the present application. Thus, independent claims 1, 10, and

20 of the present application are patentable over Hoffberg for at least the reasons set forth above.

 Dependent claims are allowable for at least the same reasons.

Regarding dependent claims 2, 11 and 21, Applicant further respectfully submits that

Hoffberg fails to disclose the additional limitations of "the service type comprises a type of

service that each device can provide and the user control interface is generated and displayed

based on at least an attribute and capability of the service type" (emphasis added). Applicant

notes that the cited paragraph [0835] of Hoffberg does not teach or disclose these limitations.

Hoffberg simply teaches characterization data, which is described in paragraph [0834] of

Hoffberg as broadcast information of a video broadcast. This broadcast information can never be

confused with an attribute and service type *of a device*. Thus, dependent claims 2, 11 and 21 are

allowable for at least these additional reasons.

Regarding dependent claims 8, 17 and 27, Applicant further respectfully submits that,

contrary to the assertions made in the instant Office Action, Hoffberg does not teach the

additional limitations that "each link in the top page user interface description provides direct

access to at least the user control interface description in each associated device." The instant

Office Action has relied upon paragraph [0815] of Hoffberg to make the rejection. However,

paragraph [0815] of Hoffberg teaches data stored in a central database, or as a part of a data

stream, but does not teach that the data is stored *in the individual device and is directly accessed.*

Further, in regard to dependent claims 8, 17 and 27, the instant Office Action relies upon

paragraph [0667] of Hoffberg to make the rejection. Paragraph [0667] of Hoffberg teaches a

system providing various data streams that may be integrated with a videoconference data stream

over the same physical link, the local device provides a continuous connection or an autodial

function, but again does not teach that the data is stored *in the individual device and is directly*

accessed. Clearly, the Hoffberg "external inputs and outputs" are only for the videophone and

videoconference functions. Thus, dependent claims 8, 17 and 27 are allowable for at least these

additional reasons.

Regarding dependent claims 9, 18 and 28, Applicant has amended the claims to require, in part, "the user interface includes *device data corresponding to each device based on the information obtained from each device*, and wherein when *the one link in the user interface is user activated the activated link is used to access the associated device and retrieve control interface description contained in the associated device to generate and display a device user interface based on the retrieved control interface description*, for user interaction with that associated device" (emphasis added). Hoffberg, however, does not teach or suggest these limitations.

New claim 29 requires, in part, "*the network is a home network*" (emphasis added). New claim 30 requires, in part, "*the graphical user interface employing browser technology to allow users to control and command devices over the home network*" (emphasis added). Hoffberg does not relate to devices on a network controlling other devices on the same network where the network is a home network. Further, Hoffberg does not teach that a graphical user interface employs browser technology. Therefore, new claims 29 and 30 are patentable over Hoffberg for at least these reasons.

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New claim 31 requires, in part, "the generated user interface includes *at least one icon graphic for a device*" (emphasis added). New claim 32 requires, in part, "the generated user interface includes *a hierarchy of control pages*" (emphasis added). Nowhere in Hoffberg is it taught or suggested that a user interface includes an icon graphic for a device or a hierarchy of control pages. Therefore, new claims 31 and 32 are patentable over Hoffberg for at least these reasons.

In view of the above, withdrawal of the rejections of all pending claims is respectfully requested.

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CONCLUSION

In view of the foregoing amendments and remarks, Applicant believes that the claims are in condition for allowance. Reconsideration, re-examination, and allowance of all claims are respectfully requested. If the Examiner feels that a telephone interview may help further the examination of the present application, the Examiner is encouraged to call the undersigned attorney or his associates at the telephone number listed below.

Please direct all correspondence to **Myers Andras Sherman LLP**, 19900 MacArthur Blvd., Suite 1150, Irvine, California 92612.

Respectfully submitted,

/MZ/   9/11/2009

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